



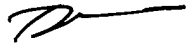
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Assistant Commissioner for Patents
Washington, D.C. 20231 on September 26, 2002.

ELECTION UNDER 35 USC §
Examining Group 1617
Patent Application
Docket No. GJE-18D1
Serial No. 10/015,162

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Doran R. Pace, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Shengjun Wang, Ph.D.
Art Unit : 1614
Applicants : Aaron Gershon Filler, Andrew Michael Lindsay Lever
Serial No. : 10/015,162
Filed : December 11, 2001
Conf. No. : 6118
For : Compositions Comprising a Tissue Glue and Therapeutic Agents

Assistant Commissioner for Patents
Washington, D.C. 20231

ELECTION UNDER 35 USC §121

Sir:

A Petition and Fee for a one-month Extension of Time through and including September 26, 2002 accompanies this Election.

In response to the written Restriction Requirement dated July 26, 2002 in the above-identified patent application, Applicants hereby provisionally elect to prosecute the invention of Group I (claims 1-10). As the species, Applicants hereby provisionally elect ferrite as the radiotherapeutic agent, as defined in claim 6. Claims 1-5, 7, and 8 read on the elected species. The election of the invention of Group I is made with traverse.

A Supplemental Preliminary Amendment accompanies this Election. Applicants respectfully assert that the claims, as amended, are directed to a single invention. The claims refer to compositions which comprise a tissue glue and a radiotherapeutic agent whose therapeutic effect is mediated locally while immobilized in the glue. Claim 1 has been amended to more clearly reflect

this. Claim 13 has been amended to make it directly dependent upon claim 1, and claims 17 and 18 directly recite the composition of claim 13. Accordingly, reconsideration and withdrawal or modification of the Restriction Requirement is respectfully requested.

Claims 11, 12, 19, and 20 are drawn to a method of using a composition of claim 1. In the event that the Examiner maintains the restriction and these claims are withdrawn from consideration, Applicants respectfully request rejoinder (under MPEP §821.04) of those method of use claims upon an indication of allowance of the composition claims in the subject application.

Applicants invite the Examiner to call the undersigned if clarification is needed or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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DRP/sl

Attachment: Supplemental Preliminary Amendment